

HOUSE BILL 857

P2, B5, P3

1lr0509

By: **Delegates Rosenberg, Carter, Oaks, and Tarrant**

Introduced and read first time: February 11, 2011

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Construction Contracts – Hiring Agreement**

3 FOR the purpose of specifically including construction contracts and contracts for the
4 Maryland Economic Development Corporation in the type of contracts that the
5 Board of Public Works and the Department of Human Resources may designate
6 as contracts eligible to include a certain model hiring agreement form; providing
7 the Maryland Economic Development Corporation is not exempt from a certain
8 provision regarding contracts eligible to include a certain model hiring
9 agreement form; requiring the Board to adopt certain regulations; repealing an
10 obsolete reference; and generally relating to hiring agreements and construction
11 contracts.

12 BY repealing and reenacting, with amendments,
13 Article – State Finance and Procurement
14 Section 13–224
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2010 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Economic Development
19 Section 10–111(a)
20 Annotated Code of Maryland
21 (2008 Volume and 2010 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – State Finance and Procurement**

25 13–224.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) (1) In this section the following words have the meanings indicated.

(2) “Children of current or former recipients” has the meaning stated in § 5–304 of the Human Services Article.

(3) “Department” means the Department of Human Resources.

(4) “Eligible contract” means a procurement contract, **INCLUDING A CONSTRUCTION CONTRACT OR A CONTRACT FOR THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION ESTABLISHED UNDER § 10–105 OF THE ECONOMIC DEVELOPMENT ARTICLE**, designated by the Board as appropriate for the execution of a hiring agreement.

(5) “FIP” means the Family Investment Program established under Title 5, Subtitle 3 of the Human Services Article.

(6) “Former recipient” has the meaning stated in § 5–304 of the Human Services Article.

(7) “Foster youth” has the meaning stated in § 5–304 of the Human Services Article.

(8) “Hiring agreement” means an agreement entered into by the Department or a local department and an entity doing business with the State under which the Department or the local department and the entity agree to work cooperatively in endeavoring to identify and hire current and former FIP recipients, children of current or former recipients, foster youth, and obligors to fill job openings of the entity.

(9) “Local department” means a local department of social services in a county or in Baltimore City created or continued under § 3–201(a) of the Human Services Article.

(10) “Obligor” has the meaning stated in § 10–101 of the Family Law Article.

(b) (1) [On or before October 1, 1998, the] **THE** Board, in consultation with the Department, shall designate the types of procurement contracts, **INCLUDING CONSTRUCTION CONTRACTS**, that are eligible contracts.

(2) **THE BOARD MAY NOT DESIGNATE CONSTRUCTION CONTRACTS THAT ARE LESS THAN \$1,000,000 AS ELIGIBLE CONTRACTS.**

(c) (1) [On or before December 1, 1998, the] **THE** Department shall develop a model hiring agreement form that shall be completed by the Department or a local department and an entity in conjunction with the award of an eligible contract.

1 (2) The model hiring agreement form shall include the following
2 provisions:

3 (i) the entity will:

4 1. inform the Department or the local department, as
5 appropriate, of all of the entity's job openings;

6 2. declare the Department or the local department, as
7 appropriate, its "first source" in identifying and hiring candidates to fill those job
8 openings;

9 3. work cooperatively with the Department or the local
10 department, as appropriate, to develop any necessary training programs that will
11 enable current and former FIP recipients, children of current or former recipients,
12 foster youth, and obligors in qualifying for and securing the positions;

13 4. give first preference and first consideration to the
14 extent permitted by law and any existing labor agreements to candidates referred to
15 the entity by the Department or the local department, as appropriate;

16 5. agree to give candidates referred to the entity by the
17 Department or the local department, as appropriate, priority in the filling of a job
18 opening if the candidate meets the qualifications of the position;

19 6. provide the Department or the local department, as
20 appropriate, with information on the disposition of all referrals made by the
21 Department or the local department, as appropriate, including an explanation of why
22 any such candidate was not hired or considered qualified;

23 7. provide the Department or the local department, as
24 appropriate, with information regarding the progress and employment status of those
25 candidates referred by the Department or the local department, as appropriate, that
26 the entity hired; and

27 8. designate a specific individual that the Department or
28 the local department, as appropriate, may contact in regard to the provisions of the
29 hiring agreement; and

30 (ii) the Department or the local department, as appropriate, will
31 assign an account representative to the entity who will:

32 1. receive and process all of the entity's job notifications;

33 2. refer only screened and qualified candidates to the
34 entity;

3. assist in the development of any mutually agreed upon training programs, internship programs, or both that will better prepare current and former FIP recipients, children of current or former recipients, foster youth, and obligors for employment with the entity;

4. arrange follow-up and post-hire transitional/supportive services, such as child care and transportation, as necessary and appropriate; and

5. review and evaluate the effectiveness of the hiring agreement with the entity and make modifications in the agreement as necessary and appropriate.

(d) Each year, the Department and any local departments that have entered into hiring agreements shall submit a report to the Board, the Joint Committee on Welfare Reform, and, subject to § 2-1246 of the State Government Article, the General Assembly on:

(1) the number of hiring agreements executed;

(2) the number of current and former FIP recipients, children of current or former recipients, foster youth, and obligors hired by an entity with which a hiring agreement was executed; and

(3) the effectiveness of each hiring agreement in obtaining employment for current and former FIP recipients, children of current or former recipients, foster youth, and obligors.

(E) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

Article – Economic Development

10–111.

(a) (1) Except as otherwise provided in this section, in exercising its powers, the Corporation:

(i) may carry out its corporate purposes without the consent of any State unit; and

(ii) is not subject to:

1. Title 12, Subtitles 1 through 3 of this article;

2. the following provisions of the State Finance and Procurement Article:

1 A. Title 2, Subtitles 2 (Gifts and Grants), 4 (Water and
2 Sewerage Systems), and 5 (Facilities for the Handicapped);

3 B. Title 3 (Budget and Management);

4 C. Title 4 (Department of General Services);

5 D. Title 5A (Division of Historical and Cultural
6 Programs);

7 E. Title 6, Subtitle 1 (Studies and Estimates);

8 F. Title 7, Subtitles 1 (State Operating Budget), 2
9 (Disbursements and Expenditures), and 3 (Unspent Balances);

10 G. §§ 8–127, 8–128, and 8–129 (certain restrictions on
11 State general obligation bonds);

12 H. Title 8, Subtitle 1, Part V (State Revenue Anticipation
13 Notes);

14 I. Title 10 (Board of Public Works – Miscellaneous
15 Provisions); and

16 J. **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
17 **SUBSECTION, Division II (General Procurement Law);**

18 3. the following provisions of the State Government
19 Article:

20 A. Title 9, Subtitles 10 (State Archives and Artistic
21 Property) and 17 (Maryland State Employees Surety Bond Committee);

22 B. §§ 10–505 and 10–507 (certain open meetings
23 provisions); and

24 C. Title 11 (Consolidated Procedures for Development
25 Permits); and

26 4. Article 41 of the Code.

27 (2) The Corporation is subject to the Public Information Act.

28 **(3) THE CORPORATION IS SUBJECT TO § 13–224 OF THE STATE**
29 **FINANCE AND PROCUREMENT ARTICLE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2011.